

• • R E M A R K S • •

The Official Action of November 8, 2002 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment, claims 1-3 have been changed to avoid the antecedent basis problems noted by the Examiner under the rejection based upon 35 U.S.C. §112, second paragraph.

Specifically, claims 1-3 have been amended to refer to the "inward and outward inner surface regions" rather than the "inner and outer side regions." This change is believed to more clearly describe applicants' invention and avoid the antecedent basis problems noted by the Examiner.

In addition, independent claim 1 has been changed to recite that the fine fusion spots are formed in the inner "exposed" surface of the wings.

Support for this limitation can be readily found in Figs. 1, 3 and 4 and the description of the invention in the paragraph bridging pages 7 and 8 which refers to how the fine fusion spots are formed by locally heating the inner surface of the wings.

Claim 4 has been amended to correct a minor typographical error.

Entry of the changes to the claims is respectfully requested.

Claims 1-4 are pending in this application.

Claims 1-3 stand rejected under 35 U.S.C. §112, second paragraph. Under this rejection the Examiner has noted several instances in the claim language that lacked clear antecedent basis.

In response to the rejection of the claims under 35 U.S.C. §112, second paragraph, the claims have been amended herein to correct the matters noted by the Examiner.

Reconsideration and withdrawal of the outstanding rejection of the claims under 35 U.S.C. §112, second paragraph is requested.

Claims 1-3 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,957,908 to Kline et al.

For the reasons set forth below, it is submitted that each of the pending claims are patentable over Lavon et al. and therefore, the outstanding rejection of the claims over Lavon et al. should properly be withdrawn.

Favorable reconsideration by the Examiner is earnestly solicited.

The Examiner states that:

Lavon et al. discloses the use of a disposable diaper (20), a topsheet (24), backsheet (26), core (28), front waist region (46), rear waist region (44), crotch region (48), wings (62, 64) formed on the rear portion and extending outward (See Figures 1-7). and:

...mechanical fasteners (30) located on inner surfaces of the wings (See Figure 7).

and:

...the wings being made of thermoplastic fibers (column 15, lines 29-67) and having fine fusion spots (250), where there is a greater density of fusion spots on the outward region, than in the inward region (See Figure 7).

Applicants' form the fine fusion spots by "locally heating the inner side nonwoven fabric 26" as discussed at page 7, line 18. This process forms the fine fusion spots in the exposed inner surface of the wings as depicted in Figs. 1, 3 and 4. This structure forms the "fastener holding zones (outside regions) 41" that are engaged by the male members 22, "as the fastener sections 21 are folded back onto the inner surface of the diaper 1 (See Fig. 1)" as set forth on page 7, lines 11-13 of applicants' specification.

Kline et al. teaches "elasticized" ear panels 62 and 64 that can be formed by laminating a cover stock layer and an elastomeric film together.

The elasticized ear panels are taught as providing "improved dynamic fit about the waist of the wearer, reducing the possibility of sagging or gapping, and sustaining the fit of the diaper throughout the time of wear" at column 13, lines 11-14.

The bonding structure of the laminated elastic ear panels 62 and 64 is depicted as being internal as per Figure 7, rather than being in an exposed surface of an inner surface of the ear panels.

At column 16, lines 41-49 Kline et al. teaches "high" and "low" bond zones of which the high bond zones are relied upon to strengthen various zones of the ear panels, particularly along the edge "for joining the side panels to the containment assembly 22 if the side panels are separate elements" as disclosed at column 16, lines 47-49.

It is submitted that Kline et al. is structurally distinguishable from applicants' claimed invention because Kline et al. does not provide fine fusion spots (or bonds) in an exposed surface of the ear panels.

As discussed above, applicants' fine fusion spots define the "fastener holding zones 41 which can be engage by the fastener sections (that are provided with male mechanical fasteners).

Kline et al. teach a first closure member 30 and a second closure member 31 that cooperatively engage a third closure member 33 to secure the diaper in the shape depicted in Fig. 3.

It can be appreciated that Kline et al. does not teach or otherwise rely upon the internal bonding structure of the laminated ear panels to form a structure that engages with the first and second closure members 30 and 31.

Accordingly, it is clear that Kline et al. is both structurally and functionally distinguishable from applicants' claimed invention.

Based upon the above distinctions between Kline et al. and the present invention, and the overall teachings of Kline et al., properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon Kline et al. as required under 35 U.S.C. §102 as anticipating applicants' claimed invention.

It is, therefore, submitted that any reliance upon Kline et al. would be improper inasmuch as Kline et al. does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of Kline et al. and the outstanding prior art rejection of the claims should hence be withdrawn.

Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

The prior art cited on page 3 of the Official Action, but not relied upon by the Examiner has been noted, but is not deemed to be particularly relevant to applicants' claimed invention.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved; the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of

time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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Marked-Up Copy of the Claims
As Amended on February 3, 2003

1. (Three Times Amended) A disposable diaper comprising:

 a liquid-pervious topsheet;

 a liquid-impervious backsheet;

 a liquid-absorbent core disposed between said liquid-pervious topsheet and said liquid-impervious backsheet;

 a front waist region;

 a rear waist region;

 a crotch region extending between said front waist region and said rear waist region in a longitudinal direction of the diaper;

 wings formed on transversely opposite side portions of said rear waist region and extending outward in a circumferential direction intersecting said longitudinal direction, said wings having inner and outer [surfaces and] exposed surfaces, circumferentially outer side [edges] edges, and [circumferentially inner side regions;] inward and outward inner surface regions, with the outward inner surface regions being adjacent the circumferentially outer side edges; and

 fastener sections formed on said wings and extending outward in said circumferential [direction] direction, said fastener sections having inner surfaces and male mechanical fasteners members formed on and extending from said inner [surfaces,] surfaces of the fastener sections,

 said wings comprising a nonwoven fabric made of thermoplastic synthetic fibers, said nonwoven fabric partially extends outward from the circumferentially outer side [regions] edges of

said wings to form said fastener sections, [sections which are provided on the inner surfaces of the wings.]

said wings being formed on the inner exposed surfaces thereof with a plurality of fine fusion spots at which said fibers are fused together, said plurality of fine fusion spots being arranged so that there is a greater number of said fine fusion spots per unit area in said [outer side] outward inner surface regions of said wings than in the inward inner side regions of said wings. [wings that extend inward from said outer side regions.]

2. (Three Times Amended) The diaper according to Claim 1, wherein said nonwoven fabric is stiffer in [said] circumferentially outer side regions of said wings than in [said] circumferentially inner side regions of said wings.

3. (Three Times Amended) The diaper according to Claim 1, wherein said male mechanical fastener members are releasably engaged with said inward inner side surface regions of said wings.

4. (Amended) The diaper according to Claim 1 wherein said plurality of fine fusion spots comprise discrete spots that penetrate into the inner surface of the [wing.] wings.